

City of Fort Lauderdale Planning and Zoning Board
Case 27-P-04

STAFF REPORT
November 17, 2004

Applicant	City of Fort Lauderdale – Parks and Recreation Department	
Request	Vacate a portion of SW 2 Court	
Location	Between SW 14 Way and SW 2 Court North of the North Fork of the New River	
Legal Description	Right-of-Way	
Property Size	N/A	
Zoning	RML-25	
Existing Land Use	Right-of-Way	
Future Land Use Designation	Medium-High Residential	
Comprehensive Plan Consistency	Consistent with Parks and Recreation Element, Goal 2 and Policy 2.1.3	
Other Required Approvals	City Commission	
Applicable ULDR Sections	47-24.6 Vacation of Right-of-Way	
Notification Requirements	Sign Notice within 15 days of meeting, Mail Notice within 10 days of meeting	
Action Required	Recommend Approval, Approval with Conditions, or Denial of the application	
Project Planner Authorized By Approved By	Name and Title	Initials
	Angela Csinsi, Planner II	
	Chris Barton, AICP, RLA, Principal Planner	
	Marc LaFerrier, AICP, Planning and Zoning Director	

Request:

This is a request to vacate that portion of SW 2 Court located between SW 14 Way and SW 14 Ave, north of the North Fork of the New River.

Property/Project Description:

This request from the City's Parks and Recreation Department is needed in order to combine Blocks 3 and 4 of River Highlands Subdivision. The combined lands would then be developed as a park approximately 2.75 acres in size. A 110' long portion of SW 14 Way was recently vacated from the western end of SW 2 Ct. to the Argyle Canal. To provide for a turn around space for automobiles, a cul-de-sac will be constructed at the western end of SW 2nd Ct. (**Exhibit 1**).

Bell South and FPL have indicated that they have no facilities in the area to be vacated and therefore have no objection to the vacation. Comcast has stated that they have facilities in the area to be vacated and is requesting that the applicant retain the vacated portion of the right-of-way as a utility easement. Comcast has no objection to the vacation as long as the applicant bears all cost for relocation of their facilities. The vacated right-of-way is to be retained by the City as a utility easement.

Prior Reviews:

This application was reviewed by the Development Review Committee (DRC) on November 9, 2004 and all comments have been addressed. The proposal was reviewed by the Property and Right of Way Committee on September 16, 2004 and received a recommendation for vacation with three conditions (stated below). Minutes from the Property and Right-of-Way Committee are attached as **Exhibit 2**.

Comprehensive Plan Consistency:

This vacation request is consistent with Goal 2 of the Parks and Recreation Element which states: "Establish and preserve an appropriate open space system to protect public health, safety and welfare, and assure retention of aesthetic and environmental amenities." It is also consistent with Policy 2.1.3: "The City shall discourage development, within or adjacent to unique natural areas, where such activity will have significant detrimental effects on the aesthetic and environmental quality of the unique natural areas."

Planning & Zoning Board Review Options:

1. If the Planning and Zoning Board determines that the application meets the criteria for vacation and recommends approval of the vacation, the recommendation shall be forwarded to the City Commission for consideration.
2. If the Planning and Zoning Board determines that the criteria have not been met, the board shall deny the application and the procedures for appeal to the City Commission as provided in Section 47-26B, Appeals, shall apply.

Staff Determination:

The applicant has submitted a narrative outlining compliance with the criteria for vacation of right-of-way which is as follows:

"The proposed right-of-way will be used to unify City owned parcels on the other side (*of the alley to the south*) and create a park. The unimproved R-O-W will still serve a public purpose. The public purpose will change from a vehicle R-O-W to a park. There are no adverse impacts to the surrounding area since residents can still access property (*via*) SW 14 Way. In conjunction with the R-O-W vacation, the City intends to construct a cul-de-sac turn around at the north end of SW 14 Ave. This closure does not adversely impact pedestrian traffic since it will be possible to use this area (*requested to be vacated*) to walk."

Staff concurs with the applicant's assessment.

Planning & Zoning Board Review Options:

1. If the Planning and Zoning Board determines that the proposed vacation meets the criteria for vacation and recommends approval of the vacation, the recommendation shall be forwarded to the City Commission.
2. If the Planning and Zoning Board determines that the criteria has not been met, the board shall deny the application and the procedures for appeal to the City Commission as provided in Sec. 47-26B, Appeals, shall apply.

Staff has determined that the proposed vacation meets the criteria in Sec 47-24.6. Should the request be approved, staff recommends the following conditions:

1. That the entire vacated area be retained as a utility easement.
2. That all utilities that are required to be relocated be done so at the applicant's expense.
3. That the City dedicate a portion of City owned property to create a turn around area.
4. That the City and/or County acquire the remaining privately held land in Block 4.
5. That the Wilkins (owners of property in Lot 1, Block 4, River Highlands, P.B.10, P.3 B) dedicate a portion of their property in Block 4 as right-of-way for the turn around area.